

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Stephen Ray Westberry,	)	Civil Action No. <b>0:07-3978-RBH</b>
	)	
vs.	)	<b>ORDER</b>
	)	
Warden E. Richard Bazzle,	)	
	)	
Defendant.	)	
_____	)	

The petitioner, Stephen Ray Westberry, has filed a Motion to Show Cause, Docket Entry # 97, with the Clerk of this Court. Petitioner's case is currently on appeal to the Fourth Circuit Court of Appeals.

"The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982).

Therefore, this court lacks jurisdiction to rule on the motion pending in this court. The Clerk is directed to forward the motion to the Clerk of the Fourth Circuit Court of Appeals.

**IT IS SO ORDERED.**

s/R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

Date: March 11, 2011  
Florence, South Carolina